



## UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA

## CIVIL COVER SHEET

I (a) PLAINTIFFS (Check box if you are representing yourself )  
INNOFONE.COM, INCORPORATED

## DEFENDANTS

Cogent Capital Financial, LLC; Cogent Capital Investments, LLC  
Cogent Capital Group, LLC; Investors Bank & Trust Company  
Gregory L. Kofford; Mark W. Holden

(b) County of Residence of First Listed Plaintiff (Except in U.S. Plaintiff Cases):  
Los Angeles County, California

County of Residence of First Listed Defendant (In U.S. Plaintiff Cases Only):

(c) Attorneys (Firm Name, Address and Telephone Number. If you are representing yourself, provide same.)  
Roderick A. McLeod (SBN 104694) Gidon M. Caine (SBN 188110)  
Thornas A. Rector (SBN 199175) Jessica L. Repa (SBN 240801)  
JONES DAY  
(415) 626-3939  
555 California Street, 26th Fl, San Francisco, CA 94104

Attorneys (If Known)

## II. BASIS OF JURISDICTION (Place an X in one box only.)

1 U.S. Government Plaintiff  3 Federal Question (U.S. Government Not a Party)  
 2 U.S. Government Defendant  4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES - For Diversity Cases Only  
(Place an X in one box for plaintiff and one for defendant.)

	PTF	DEF	PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4 <input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5 <input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

## IV. ORIGIN (Place an X in one box only.)

1 Original  2 Removed from State Court  3 Remanded from Appellate Court  4 Reinstated or Reopened  5 Transferred from another district (specify):  6 Multi-District Litigation  7 Appeal to District Judge from Magistrate Judge

V. REQUESTED IN COMPLAINT: JURY DEMAND:  Yes  No (Check 'Yes' only if demanded in complaint.)

CLASS ACTION under F.R.C.P. 23:  Yes  No

MONEY DEMANDED IN COMPLAINT: \$ \$25,000,000

## VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)

15 U.S.C. § 78j(b) and 17 C.F.R. 240.10b-5. Jurisdiction also founded on 28 U.S.C. 1332. Violation of Section 10(b) of Securities Exchange Act and Securities Exchange Commission Rule 10B-5, Reseission based on illegality, fraud or mistake, Negligent misrepresentation, and Declaratory Relief.

## VII. NATURE OF SUIT (Place an X in one box only.)

OTHER STATUTES	CONTRACT	TORTS	TORTS	PRISONER PETITIONS	LABOR
<input type="checkbox"/> 400 State Reapportionment	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> PERSONAL PROPERTY	<input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus	<input type="checkbox"/> 710 Fair Labor Standards Act
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 530 General	<input type="checkbox"/> 720 Labor/Mgmt. Relations
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act
<input type="checkbox"/> 450 Commerce/ICC Rates/etc.	<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 540 Mandamus/ Other	<input type="checkbox"/> 740 Railway Labor Act
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Exel. Veterans)	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 790 Other Labor Litigation
<input type="checkbox"/> 470 Racketeer Influence and Corrupt Organizations	<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 154 Recovery of Defaulded Student Loan (Exel. Veterans)	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> FOREFEITURE / PENALTY	<input type="checkbox"/> PROPERTY RIGHTS
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 155 Contract Product Liability	<input type="checkbox"/> 195 Franchise	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 810 Selective Service	<input type="checkbox"/> 156 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 830 Patent
<input checked="" type="checkbox"/> 850 Securities/Commodities Exchange	<input type="checkbox"/> 157 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 197 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 875 Customer Challenge 12 USC 3410	<input type="checkbox"/> 158 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 198 Other Contract	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> SOCIAL SECURITY
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 159 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 199 Contract Product Liability	<input type="checkbox"/> 363 Personal Injury-Product Liability	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 891 Agricultural Act	<input type="checkbox"/> 200 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 200 Contract Product Liability	<input type="checkbox"/> 364 Personal Injury-Product Liability	<input type="checkbox"/> 650 Airline Regs	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 892 Economic Stabilization Act	<input type="checkbox"/> 201 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 201 Contract Product Liability	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 660 Occupational Safety /Health	<input type="checkbox"/> 863 DJWC/DIWW (405(g))
<input type="checkbox"/> 893 Environmental Matters	<input type="checkbox"/> 202 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 202 Contract Product Liability	<input type="checkbox"/> 366 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 894 Energy Allocation Act	<input type="checkbox"/> 203 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 203 Contract Product Liability	<input type="checkbox"/> 367 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 865 RSI (405(g))
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 204 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 204 Contract Product Liability	<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> FEDERAL TAX SUITS
<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice	<input type="checkbox"/> 205 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 205 Contract Product Liability	<input type="checkbox"/> 369 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 950 Constitutionality of State Statutes	<input type="checkbox"/> 206 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 206 Contract Product Liability	<input type="checkbox"/> 370 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609

VIII(a). IDENTICAL CASES: Has this action been previously filed and dismissed, remanded or closed?  No  Yes

If yes, list case number(s):

FOR OFFICE USE ONLY: Case Number: CV-07-1793

**CV-07-1793**

**CDP**

**FIN**

AFTER COMPLETING THE FRONT SIDE OF FORM CV-71, COMPLETE THE INFORMATION REQUESTED BELOW.

VIII(b). RELATED CASES: Have any cases been previously filed that are related to the present case?  No  Yes

If yes, list case number(s): Case No. 06-06344 ABC(MANx)

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)  A. Arise from the same or closely related transactions, happenings, or events; or  
 B. Call for determination of the same or substantially related or similar questions of law and fact; or  
 C. For other reasons would entail substantial duplication of labor if heard by different judges; or  
 D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

IX. VENUE: List the California County, or State if other than California, in which EACH named plaintiff resides (Use an additional sheet if necessary)  
 Check here if the U.S. government, its agencies or employees is a named plaintiff.

Innofone.com, Incorporated - Los Angeles County, California

List the California County, or State if other than California, in which EACH named defendant resides. (Use an additional sheet if necessary).

Check here if the U.S. government, its agencies or employees is a named defendant.

Cogent Capital Financial, LLC - Los Angeles County, California; Cogent Capital Investors, LLC - Los Angeles County, California; Cogent Capital Group, LLC - Los Angeles County, California; Investors Bank & Trust Company - Los Angeles County, California; Gregory L. Kofford, Salt Lake County, Utah; and Mark W. Holden - New York County, New York

List the California County, or State if other than California, in which EACH claim arose. (Use an additional sheet if necessary)

Note: In land condemnation cases, use the location of the tract of land involved.

First Claim of Violation of Section 10(b) of the Securities Exchange Act and Securities Exchange Commission Rule 10B-5- Los Angeles County, CA  
Second Claim of Reseission based upon illegality- Los Angeles County, CA  
Third Claim of Rescission based upon fraud or mistake- Los Angeles County, CA  
Fourth Claim of Negligent Misrepresentation- Los Angeles County, CA  
Fifth Claim of Declaratory Relief- Los Angeles County, CA

X. SIGNATURE OF ATTORNEY (OR PRO PER): Donald A. McLeod

Date 3/19/07

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet.)

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935FF(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405(g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405(g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. (g))

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

**NOTICE OF ASSIGNMENT TO UNITED STATES MAGISTRATE JUDGE FOR DISCOVERY**

This case has been assigned to District Judge Dean D. Pregerson and the assigned discovery Magistrate Judge is Fernando M. Olguin.

The case number on all documents filed with the Court should read as follows:

**CV07 - 1793 DDP (FMOx)**

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge

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**NOTICE TO COUNSEL**

*A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).*

Subsequent documents must be filed at the following location:

**Western Division**  
312 N. Spring St., Rm. G-8  
Los Angeles, CA 90012

**Southern Division**  
411 West Fourth St., Rm. 1-053  
Santa Ana, CA 92701-4516

**Eastern Division**  
3470 Twelfth St., Rm. 134  
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

**FOR OFFICE USE ONLY**

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

INNOFONE.COM, INCORPORATED

CASE NUMBER

CV-07-1793

DB? FMX

PLAINTIFF(S)

v.

COGENT CAPITAL FINANCIAL, LLC, COGENT CAPITAL INVESTMENTS, LLC, COGENT CAPITAL GROUP, LLC, INVESTORS BANK & TRUST COMPANY, GREGORY L. KOFFORD, and MARK W. HOLDEN,

DEFENDANT(S).

**SUMMONS**See Attachment.

TO: THE ABOVE-NAMED DEFENDANT(S):

YOU ARE HEREBY SUMMONED and required to file with this court and serve upon plaintiff's attorney Roderick A. McLeod \_\_\_\_\_, whose address is:

JONES DAY  
555 California Street, 26th Floor  
San Francisco, CA 94104

**FOR OFFICE USE ONLY**

an answer to the  complaint  amended complaint  counterclaim  cross-claim which is herewith served upon you within 20 days after service of this Summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint.

Dated:

03 | 19 | 2007

Clerk, U.S. District Court

By:

**SEAL TERRY BAKER**

Deputy Clerk

(Seal of the Court)

DOCKETED ON CM	
MAR 26 2007	
BY <u>BT</u> 185	

**FOR OFFICE USE ONLY**

1 Roderick A. McLeod (State Bar No. 104694)  
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14 Attorneys for Plaintiff  
15 INNOFONE.COM, INCORPORATED

16  
17 UNITED STATES DISTRICT COURT  
18  
19 CENTRAL DISTRICT OF CALIFORNIA

20  
21 INNOFONE.COM, INCORPORATED,  
22 a Nevada Corporation,

23 Plaintiff,

24 v.

25 COGENT CAPITAL FINANCIAL,  
26 LLC, a Delaware Limited Liability  
27 Company, COGENT CAPITAL  
INVESTMENTS, LLC, a Delaware  
Limited Liability Company, COGENT  
CAPITAL GROUP, LLC, a Delaware  
Limited Liability Company,  
GREGORY L. KOFFORD, an  
individual, and MARK W. HOLDEN,  
an individual, INVESTORS BANK &  
TRUST COMPANY, a Massachusetts  
Trust Company,

28 Defendants.